

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREGORY BOECKEL,

Plaintiff,

-v-

LONG ISLAND RAILROAD COMPANY,

Defendant.


19 Civ. 11234 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

A jury trial in this case has been scheduled for September 1, 2021, pursuant to the District's protocols for scheduling jury trials during the pandemic. In the course of discussing with counsel today the mechanics of jury selection and jury trial practice during the pandemic, the Court learned that trial counsel for the LIRR has not yet been vaccinated, although he stated that his intention is to do so shortly. The Court notified counsel that it expects the LIRR to have ready, on September 1 and for every succeeding day during the balance of the trial, trial counsel who is able to enter the Court consistent with the District's COVID-19 entry protocols and who is prepared to trial this case as scheduled. The Court further notified counsel that, if trial counsel proves unable to enter the courthouse and the LIRR does not have alternative counsel ready to proceed, the Court will enter a default judgment against the LIRR as to liability, as the Court long ago reserved a scarce jury trial slot for this case and will not reschedule the jury trial on account of LIRR's counsel's failure to timely vaccinate. The Court directs defense counsel to furnish this order forthwith upon the general counsel of the LIRR, with the strong suggestion to line up back-up counsel who, if necessary, can try this case on September 1, and to file a letter on the docket of this case certifying that the order has been thus furnished.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: August 16, 2021
New York, New York